

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

XAVIER PAYNE,

Plaintiff,

v.

UNKNOWN MAY, et al.,

Defendants.

Case No. 1:23-cv-441

Hon. Hala Y. Jarbou

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ORDER

On May 23, 2024, Magistrate Judge Ray Kent issued a Report and Recommendation (R&R) recommending that defendants' motion for summary judgment on the basis of exhaustion be denied (ECF No. 34). The R&R was duly served on the parties. No objections have been filed, and the deadline for doing so has passed. On review, the Court concludes that the R&R correctly analyzes the issues and makes a sound recommendation.

Accordingly,

IT IS ORDERED that the R&R (ECF No. 34) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment on the Basis of Exhaustion (ECF No. 18) is **DENIED**.

Dated: June 21, 2024

/s/ Hala Y. Jarbou
HALA Y. JARBOU
CHIEF UNITED STATES DISTRICT JUDGE